

President Reichart convened the zoning amendment public meeting of Hanover Borough Council on Wednesday, May 25, 2022 at 6:40 PM in the Hanover Borough Council Chamber, 44 Frederick Street, Hanover, PA, as advertised.

Attendance: On roll call the following answered as present: Mr. Fuentes, Mrs. Funk, Mrs. C. Greenholt, Mr. G. Greenholt, Mr. Hegberg (*virtual*), Mr. Kress, Mr. Lockard, Mr. Reichart, Dr. Rupp and Mr. Roland; Solicitor Shultis; Staff Member Secretary Felix; Department of Planning & Engineering Director Mains was virtually present.

Solicitor Shultis announced that tonight Council will hold a public hearing on Ordinance No. 2324 for a zoning amendment which includes the map and the policy for short term rentals. The Hanover Borough Planning Commission prepared the short term rental amendment, and the Borough forwarded the amendment to the York County Planning Commission on February 15, 2022. The York County Planning Commission provided its recommendations to Council on March 17, 2022, recommending approval and adoption. On April 6, 2022 the Hanover Borough Planning Commission held a public hearing; at that time the Planning Commission received public comment. Following the public hearing, the Hanover Borough Planning Commission determined that the amendment is complete, and that the text and map are consistent with the Borough's comprehensive plan. The ordinance and map were forwarded to Hanover Borough Council with recommendation to adopt. Tonight is the time set to hold a public hearing to receive public comment on the proposed ordinance.

Advertisement of this public hearing occurred on May 8 and May 15, 2022 in the Hanover Evening Sun; and on May 5, 2022 an attested copy of the proposed ordinance and the map were sent to the York County Court Administration for filing in the County Law Library.

Mr. Shultis identified the exhibits for the public hearing:

- Proposed ordinance 2324 with the map;
- Response from York County Planning Commission;
- Cover letter to York County Court Administration;
- Proof of publication;
- The minutes of the Hanover Borough Planning Commission from April 6, 2022.

Solicitor Shultis turned the meeting over to Department of Planning & Engineering Director Mains who was virtually present.

Mr. Mains reviewed the background of the ordinance amendments:

- In August 2021, Borough Council requested that the Department of Planning & Engineering (DPE) in coordination with the Planning Commission prepare a draft zoning ordinance amendment for Short Term Rental (STR) land use.
- In September 2021, the Planning Commission began its review and refinement of the draft short term rental zoning amendment.
- In December 2021, the Planning Commission submitted a draft of the zoning ordinance amendment to Council to begin the approval process.
- In February 2022, the draft zoning ordinance amendment was submitted to the York County Planning Commission (YCPC) for review.
- In March 2022, the draft zoning ordinance amendment was recommended for approval by the YCPC.
- In April 2022, Borough Council set the public hearing date for the STR draft zoning ordinance amendment, which brings us to tonight.

Mr. Mains noted that the zoning ordinance establishes a Short Term Rental Overlay (STRO) District which is near the hospital to accommodate visiting families and friends, and is located away from Wilson Avenue hotels to protect their business interests. It is located in the downtown area and thereby allows adjacent zoning districts to compliment downtown businesses and nightlife.

The Zoning Amendment also establishes parking requirements for short term rental uses, provides a cap on the number of STR licensed units in multi-family structures, establishes basic "quality of life"

metrics, requires a local contact person be named, and requires licensing in addition to the zoning permit. Licensing provides another land use planning data metric, so the Borough can monitor trends in neighborhoods and adjust accordingly, allows a mechanism for the Borough to ensure STR units are kept in an operable and safe condition for visitors, and creates consequences in case of problematic units, i.e., a license can be revoked or not renewed.

Mr. Mains described the process by which an STR permit is obtained.

- Owner applies for a zoning permit to check that the STR use is allowable.
- If use requires a conditional use approval, this will occur before a zoning permit is issued.
- After the zoning permit is issued, the owner applies for an STR license.
- An inspection of the property is completed.
- After approval, the owner is issued a license and the property can be rented out.
- The owner applies for license renewal on an annual basis.
- If the property changes ownership, a new license is required.

Public Comment: President Reichart asked for public comment, but reminded all that Council may not be able to respond to questions.

Attorney Stacey MacNeal, representing 213 Primrose LLC: She stated that she is representing applicant Lora Cecere Hypes. Attorney MacNeal stated she was concerned that there was no real objective criteria for determining boundaries of the overlay. She referenced the terminology related to owner-occupied provisions in the R-1 district for STRT's; this requirement does not apply if you are located in the R-1 district outside of the overlay. In addition "local contact person" is not defined in the ordinance. She noted the limitation on two (2) occupants per bedroom does not apply to bed and breakfasts or hotel-motels, which she feels is inconsistent.

Merle Feder, 173 Primrose Lane: Ms. Feder asked if there was an annual limit of occupation for the STR's. She wondered if an STR can operate 365 days per year.

Mr. Reichart responded that although Council has heard her question, Council does not have the ability to answer questions this evening.

Ms. Feder assumes from other STR's, that normally a family unit would be renting the property, and has not seen anything like this. A variety of entities should not be allowed to rent one STR at the same time.

There were no questions from Council members.

It was moved by Mr. Roland, seconded by Mr. Kress to adjourn the zoning amendment public hearing at 6:55 PM. Motion carried.

Respectfully submitted,



Dorothy C. Felix
Borough Secretary